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ACTION EA-12
INFO OCT-01 ADS-00 HA-06 IDCA-02 TRSE-00 CIAE-00
DODE-00 PM-07 H-01 INR-10 L-03 NSAE-00 NSC-05
PA-01 SP-02 SS-15 ICA-11 SPRS-02 /078 W
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FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 0250
INFO AMEMBASSY TOKYO
SA CINCUNC KS
CHJUSMAG SEOUL KS
COMUSKOREA SEOUL KS//EJ-IS
CINCPAC HONOLULU HI
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E.O. 12065: N/A
TAGS: SHUM PINS KS
SUBJECT: KIM DAE JUNG APPEAL FILED WITH SUPREME COURT
REF: SEOUL 14651

1. ATTORNEYS FOR KIM DAE JUNG (M-R: KIM TAE-CHUNG) AND ELEVEN OTHER DEFENDANTS CHARGED WITH PLANNING INSURRECTION FILED FOR APPEAL WITH THE SUPREME COURT ON NOVEMBER 8. IN KIM DAE JUNG'S CASE AN APPEAL TO THE SUPREME COURT IS AUTOMATIC AS IT INVOLVES THE DEATH SENTENCE. FOR THE OTHER DEFENDANTS WITH LESSER SENTENCES APPEAL WAS NOT AUTOMATIC.

2. FIVE OF THE ORIGINAL 24 DEFENDANTS STILL IMPRISONED ON LESSER CHARGES OF VIOLATING MARTIAL LAW HAVE DECIDED NOT TO APPEAL THEIR CASES. THE SEVEN WHO HAVE BEEN RELEASED ARE ALSO NOT INVOLVED WITH THE APPEALS PROCESS.

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3. NEWSPAPERS REPORT THAT THE DEFENDANTS AND THEIR ATTORNEYS HAVE UNTIL NOVEMBER 28 TO PRESENT IN WRITING THEIR REASONS FOR APPEAL. THESE SAME REPORTS STATE THAT THE DEFENDANTS WILL NOT APPEAR IN COURT AT THE TIME THE SUPREME COURT REVIEWS THEIR CASES. A MAJOR REASON FOR APPEAL IS EXPECTED TO BE THE DEFENDANTS' CLAIM THAT LOWER COURTS VIOLATED THE RULES OF EVIDENCE BY REFUSING TO ADMIT EVIDENCE AND TESTIMONY FOR THE DEFENSE. GLEYSTEEN
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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY HT DATE 8/18/82
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TS AUTH. REASON(S)
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